



Application No. 09/612,943

#201 RASTY  
9/24/04  
K. W. H.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE HONORABLE BOARD OF PATENT APPEALS AND INTERFERENCES

In re the Application of:

David GOLDBERG et al.

Application No.: 09/682,333

Filed: August 21, 2001

Docket No.: 105864

For: MANIPULATIVE USER INTERFACE SYSTEMS AND METHODS

**REPLY BRIEF**

Director of the U.S. Patent and Trademark Office  
Washington, D.C. 20231

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Technology Center 2600

Sir:

In reply to the July 21 Examiner's Answer, please consider the following remarks:

**Examiner's Answer - Response to Argument**

The Examiner's Answer sets forth various responses to Appellants' arguments in section (11). Appellants' counter response is set forth below in the order presented in the Examiner's Answer.

The Examiner's Answer asserts that the personal identification information stored in a memory of the card 2 is "temporarily stored in the physically manipulatable device (keyboard 3)." The Examiner's Answer further asserts that the information must be temporarily stored in the keyboard 3 for the information to be transmitted from the card 2 to the computer terminal 1 via the keyboard 3. Appellants respectfully disagree.

Appellants respectfully submit that the to the keyboard 3 does not store, even temporarily, the personal identification information because the communication section 13 of the keyboard 3 acts only to relay the information to the computer terminal 1. To store something is "to reserve for future use." The American Heritage College Dictionary, 3<sup>rd</sup> Ed.,

p. 1339, Houghton Mifflin Company, 1993 (copy attached). There is no disclosure in Shintani that the personal identification information from the card 2 is "reserved for future use" in the keyboard 3. Nor is there any disclosure of any memory or other structure in the keyboard 3 that would make the keyboard 3 capable of storing the information.

Shintani merely discloses that the personal identification information from the card 2 is automatically transmitted to the computer terminal 1 by the communication section 13 of the keyboard 3. As stated in column 2, lines 61-66, of Shintani: "When the communication section 14 (sic) constituted as described above detects the non-contact card 2, personal identification information stored in the non-contact card 2 is transmitted to the communication section 14 (sic), is supplied to the body of the computer via the cable 15 and the display 4, and the body of the computer authenticates a user." Only the card 2 and the computer terminal 1 store the personal identification information, i.e., reserve the personal identification information for future use. The card 2 stores the personal identification information in memory FeRAM 12 (Fig. 2) and the computer terminal stores the received personal identification information to compare to information stored in a user table (col. 2, ln. 66 - col. 3, ln. 7).

The March 22, 2004 Advisory Action and the Examiner's Answer attempt to eviscerate the meaning of the word "store" by adding the modifier "temporarily." According to the explanation provided by the Examiner's Answer, the cable 15, connecting the keyboard 3 and the computer terminal 1, also "temporarily stores" the personal identification information because the cable 15 receives the information from the keyboard and transmits the information to the computer terminal 1. Following the illogic of the Examiner's Answer, the cable 15 must temporarily store the information because if the cable does not temporarily store the information, the cable 15 "will not receive the ID information transmitted from the"

keyboard 3 "and the ID information will be directly transmitted from the" keyboard 3 "to the responsive device (computer terminal 1)."

The fact that the keyboard 3 of Shintani receives information from the card 2 does not mean that the keyboard 3 stores the received information. A receiver does not store a signal that is received or information in the received signal. For example, a standard FM receiver only transmits a received signal to a speaker via an amplifier. The FM receiver does not store the received signal or any information in the received signal.

Further, the fact that the keyboard 3 of Shintani also transmits the information from the card 2 does not mean that the keyboard 3 stores the information. A relay antenna, for example, receives and transmits a signal, but does not store the signal that is received and transmitted or information in the received and transmitted signal. Typically, a relay antenna is used to allow a signal to traverse a distance that is greater than would be possible without the relay antenna, for example, because of attenuation of the signal strength. However, such relay antennas do not store the signal or any information in the signal.

As mentioned above, the communication section 13 of the keyboard 3 of Shintani functions as a relay, receiving the personal identification information from the card 2 and transmitting the personal identification information to the computer terminal 1. In normal use of the computer system of Shintani, the card 2, i.e., the user, will be closer to the keyboard 3 than to the computer terminal 1 when the user is positioned to use the computer system. A communication section 13 is provided in the keyboard 3 because the keyboard is a peripheral device that is typically closer to the user (and thus the card 2) than the computer terminal 1. Thus, the keyboard 3 is in a better proximate position (because the card 2 is worn by the user) to receive the personal identification information from the card 2 when the user is positioned to use the computer system. The personal identification information in the card 2 is not directly transmitted from the card 2 to the computer terminal 1 because the user whose

information is to be transmitted to the computer terminal 1 is identified by his proximity to the keyboard 3, the peripheral device used by a user to operate the computer system.

In summary, the keyboard 3 does not reserve the personal identification information for future use, i.e., does not store the personal identification information, but instantly transmits the personal identification information to the computer terminal 1 for authentication of the user. The keyboard 3 of Shintani acts only as a relay for the personal identification information because the keyboard has no future use for the information. The keyboard 3 is selected as the relay because of its proximate position (within arm's reach) relative to a user of the computer system. This feature of Shintani is set forth in column 1, line 65 - column 2, line 5 (the communications means "is provided to peripheral equipment arranged in the vicinity of a user of a computer terminal"; and the non-contact card is placed "in the range of the . . . communication means if the user sits down").

Therefore, Appellants respectfully maintain that Shintani does not disclose, teach or suggest "storing information about the user in a physically manipulatable device," as recited in claims 1 and 3, because the keyboard of Shintani does not store the personal identification information from the card.

Contrary to the apparent assertion in the Examiner's Answer, Appellants do not argue that the claims of this application are patentably distinguishable over Shintani because Shintani does not disclose a keyboard having memory. Appellants argue that the claims are patentably distinguishable over Shintani because Shintani does not disclose storing information in a physically manipulatable device, as recited in these claims. The fact that the keyboard of Shintani does not include memory or any other structure that is capable of storing information is strong evidence that the keyboard of Shintani is not capable of storing and thus does not store information.

The Examiner's Answer asserts that Shintani's keyboard is a reified device because "Shintani's keyboard is treated as a key to log on a computer or an ID input device to a computer." Appellants are at a loss to understand how this relates to the definition of a reified device.

While a keyboard may be used to log on a computer or may be used as an ID input device to a computer, the keyboard is not an object that represents a concept. The figures and text of Shintani cited by the Examiner's Answer do not describe or suggest reification or turning a concept into an object. Shintani merely discloses a use for an existing object. According to the illogic of the Examiner's Answer, any object that has a use is a reified object. Thus, the Examiner's Answer attempts to ignore this recited feature by failing to give any meaning to "reified device" other than "device."

The alleged motivation for combining Shintani and Gershon as stated in the Examiner's Answer ignores the language of claim 11. Claim 11 recites that the object is a hat. The alleged object in Shintani is the non-contact card 2. The card 2 is not a hat and the Examiner's Answer still fails to provide any motivation to make the card 2 a hat.

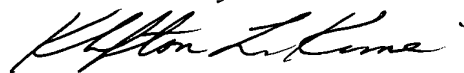
The only motivation set forth in the Examiner's Answer is to mount the card of Shintani in the hat of Gershon. However, this does not make the card (the object) a hat. The card is still a card after it is mounted on a user's hat. Thus, the alleged motivation does not teach or suggest the feature recited in claim 11.

**Conclusion**

The rejections set forth in the final Office Action should be reversed, at least for the reasons set forth above.

The Honorable Board is requested to reverse the rejections set forth in the Final Rejection and to pass this application to issuance.

Respectfully submitted,



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Attachment: Copy of Page 1339 of The American Heritage College Dictionary

Date: August 23, 2004

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cessation": *stop arguing; ceased crying; desist from lying; discontinued treatment; halted him; quit going.* *Ant:* *start.*

**stop-cock** (stɒp'kɒk) *n.* A valve that regulates the flow of fluid through a pipe; a faucet.

**stope** (stɒp) *n.* An excavation in the form of steps made by the mining of ore from steeply inclined or vertical veins. — *tr.v.* **stoped, stop-ing, stopes.** To remove (ore) from or mine by means of a stope. [Perh. < LGer., step < MLGer. *stōpe*.] — *stop'er n.*

**stop-gap** (stɒp'gæp) *n.* An improvised substitute for something lacking; a temporary expedient.

**stop-light** (stɒp'laɪt) *n.* 1. A light on the rear of a vehicle that is activated when the brakes are applied. 2. See **traffic light**.

**stop order** *n.* An order to a broker to buy or sell a stock when it reaches a specified level of decline or gain in price.

**stop-over** (stɒp'ɒvər) *n.* 1. An interruption of a trip for stopping somewhere. 2. A place visited briefly during a trip.

**stop-page** (stɒp'pɪdʒ) *n.* The act of stopping or the condition of being stopped; a halt: *called for a work stoppage.*

**stop payment** *n.* An order to one's bank not to honor a check one has drawn.

**stop-per** (stɒp'pər) *n.* 1. A device, such as a plug, that is inserted to close an opening. 2. One that stops something: *a conversation stopper.* — *tr.v.* **-pered, -per-ing, -pers.** To close with or as if with a stopper.

**stop-ple** (stɒp'plə) *n.* A stopper; a plug. — *tr.v.* **-pled, -pling, -ples.** To close with a stopper or plug. [ME *stoppell* < ME *stoppen*, to stop. See **stop**.]

**stop sign** *n.* A traffic sign that indicates that traffic is required to come to a complete stop before proceeding.

**stop street** *n.* A street intersection at which a vehicle must come to a complete stop before entering a through street.

**stop-watch** (stɒp'wɒtʃ) *n.* A watch that can be instantly started and stopped by pushing a button, used to measure an exact duration of time.

**stor-age** (stɔr'ɪdʒ, stɔr'ɪ-) *n.* 1.a. The act of storing goods or the state of being stored. b. A space for storing goods. c. The price charged for storing goods. 2. The charging or regenerating of a storage battery. 3. *Comp. Sci.* The part of a computer that stores information for subsequent use or retrieval.

**storage battery** *n.* *Elect.* A group of reversible or rechargeable secondary cells acting as a unit.

**storage cell** *n.* 1. See **secondary cell**. 2. *Comp. Sci.* An elementary unit of storage.

**stor-ax** (stɔr'æks, stɔr'ɪ-) *n.* 1. See **snowbell**. 2. *Bot.* An aromatic resin obtained from the snowbell. 3. *Bot.* A brownish aromatic resin used in perfume and medicine and obtained from any of several trees of the genus *Liquidambar*, esp. *L. orientalis* of Turkey. [ME < Lat., alteration of *styrax* < Gk. *sturax*, perh. of Semitic orig.]

**store** (stɔr, stɔr) *n.* 1. A place where merchandise is sold; a shop. 2. A stock or supply reserved for future use. 3. *stores.* Supplies, esp. of food, clothing, or arms. 4. A place where commodities are kept; a warehouse or storehouse. 5. A great quantity or number; an abundance. — *tr.v.* **stored, stor-ing, stores.** 1. To reserve for future use. 2. To fill, supply, or stock. 3. To deposit or receive in a storehouse or warehouse for safekeeping. — *Idiom.* *in store.* Forthcoming. [ME *stor*, supply < OFr. *estor* < *estorer*, to build < Lat. *instaurare*, to restore. See **stā-**.] — *stor'a-ble adj.* — *stor'er n.*

**store-bought** (stɔr'bɔt, stɔr'ɪ-) *adj.* *Informal.* Manufactured and bought at retail; not homemade: *store-bought pie.*

**store-front** (stɔr'frʌnt, stɔr'ɪ-) *n.* 1. The side of a store or shop facing a street. 2. A room or suite of rooms in a commercial building at street level. — *store'front' adj.*

**store-house** (stɔr'həʊs, stɔr'ɪ-) *n.* 1. A place or building in which goods are stored; a warehouse. 2. An abundant source or supply: *a storehouse of knowledge.*

**store-keep-er** (stɔr'keɪpər, stɔr'ɪ-) *n.* 1. One who keeps a retail store or shop. 2. One in charge of receiving or distributing stores or supplies. — *store'keep'ing n.*

**store-own-er** (stɔr'əʊnər, stɔr'ɪ-) *n.* One who owns or operates a store or shop.

**store-room** (stɔr'rʊm, -rʊm, stɔr'ɪ-) *n.* A room in which things are stored.

**store-wide** (stɔr'waɪd, stɔr'ɪ-) *adj.* Involving, applying to, or occurring throughout a whole store: *a storewide sale.*

**stor-ey** (stɔr'ɪ, stɔr'ɪ-) *n.* Chiefly *British.* Var. of **story**.

**stor-eyed** (stɔr'ɪd, stɔr'ɪ-) *adj.* Chiefly *British.* Var. of **storied**.

**stor-ied** (stɔr'ɪd, stɔr'ɪ-) *adj.* 1. Celebrated or famous in history or story. 2. Ornamented with designs representing scenes from history, legend, or story: *storied tapestry.*

**stor-ied** (stɔr'ɪd, stɔr'ɪ-) *adj.* Having or consisting of a given number of stories: *a two-storied house.*

**stork** (stɔrk) *n.* Any of various large wading birds of the family Ciconiidae, chiefly of the Eastern Hemisphere, having long legs and a long straight bill. [ME < OE *storc*. See **ster-**.]

**storks-bill** (stɔrk'sbɪl) *n.* 1. Any of various plants of the genus *Erodium*, having fruit with a narrow beaklike tip. 2. See **geranium**.

**storm** (stɔrm) *n.* 1. An atmospheric disturbance manifested in

strong winds accompanied by rain, snow, hail, or sleet and often by thunder and lightning. 2. *Meteorol.* A wind with a speed from 64 to 73 miles (from 103 to 117 kilometers) per hour, according to the Beaufort scale. 3. A heavy shower of objects, such as missiles. 4. A strong or violent outburst, as of emotion or excitement. 5. A violent disturbance or upheaval, as in political, social, or domestic affairs. 6. A sudden violent attack on a fortified place. — *v.* **stormed, storm-ing, storms.** — *intr.* 1.a. To blow forcefully. b. To precipitate rain, snow, hail, or sleet. 2. To be extremely angry; rant and rage. 3. To move or rush tumultuously, violently, or angrily. — *tr.* To assault, capture, or captivate by storm. [ME < OE.]

**storm-bound** (stɔrm'baʊnd) *adj.* Delayed, confined, or cut off from communication by a storm.

**storm cellar** *n.* See **cyclone cellar**.

**storm center** *n.* 1. The central area of a storm, esp. the point of lowest barometric pressure within a storm. 2. A center of trouble, disturbance, or argument.

**storm door** *n.* An outer or additional door added for protection against inclement weather.

**storm petrel** *n.* Any of various small sea birds of the family Hydrobatidae, esp. *Hydrobates pelagicus* of the North Atlantic and the Mediterranean, having sooty plumage.

**storm trooper** *n.* 1.a. A member of the Nazi militia noted for brutality and violence. b. One who resembles a member of the Nazi militia. 2. A member of a force of shock troops.

**storm window** *n.* A secondary window attached over the usual window to protect against the wind and cold.

**storm-y** (stɔr'mɪ) *adj.* -*ier, -iest*. 1. Subject to, marked by, or affected by storms; tempestuous. 2. Marked by violent emotions, speech, or actions. — *storm'ly adv.* — *storm'-iness n.*

**stormy petrel** *n.* 1. See **storm petrel**. 2. One who brings discord or appears at the onset of trouble; a rebel.

**sto-ry** (stɔr'ɪ, stɔr'ɪ-) *n., pl. -ries*. 1. An account or a recital of an event or series of events. 2. A usu. fictional narrative intended to interest or amuse the hearer or reader; a tale. 3. A short story. 4. An incident, experience, or subject that furnishes or would be interesting material for a narrative. 5. The plot of a narrative or dramatic work. 6. A report, a statement, or an allegation of facts. 7.a. A news article or broadcast. b. The event, situation, or other material for such an article or broadcast. 8. An anecdote. 9. A lie. 10. Romantic legend or tradition. — *tr.v.* **-ried, -ry-ing, -ries**. 1. To decorate with scenes representing historical or legendary events. 2. *Archaic.* To tell as a story. [ME *storie* < OFr. *estorie*, *estoire* < Lat. *historia*. See **history**.]

**sto-ry** (stɔr'ɪ, stɔr'ɪ-) *n., pl. -ries*. 1. A complete horizontal division of a building, constituting the area between two adjacent levels. 2. The set of rooms on the same level of a building. [ME *story*, *story* < Med.Lat. *historia*, picture, story (prob. < painted windows or sculpture on the front of buildings) < Lat., *history*. See **history**.]

**Sto-ry** (stɔr'ɪ, stɔr'ɪ-) *Joseph*. 1779–1845. Amer. jurist; associate justice of the U.S. Supreme Court (1811–45).

**sto-ry-board** (stɔr'ɪ-bɔrd, stɔr'ɪ-bɔrd) *n.* A hanging panel of sketches depicting sequential scenes, as of a film being proposed or made. — *sto'ry-board' v.*

**sto-ry-book** (stɔr'ɪ-bʊk, stɔr'ɪ-) *n.* A book containing a collection of stories, usu. for children. — *sto'ry-book' adj.*

**story line** *n.* The plot of a story or dramatic work.

**sto-ry-tell-er** (stɔr'ɪ-tɛl'ər, stɔr'ɪ-) *n.* 1.a. One who tells or writes stories. b. One who relates anecdotes. 2. *Informal.* One who tells lies. — *sto'ry-tell'ing n.*

**sto-ry-writ-er** (stɔr'ɪ-rɪ'tər, stɔr'ɪ-) *n.* 1. One who writes stories. 2. One who writes news stories, as for the media.

**stoss** (stɔs, stɔs, stɔs) *adj.* Facing the direction from which a glacier moves. Used of a rock or slope in its path. [< Ger. *Stoss*, push, blow < *stossen*, to push < MHGer. *stōzen* < OHGer. *stōzan*.]

**sto-tin'-ka** (stɔ-tɪŋ'ka) *n., pl. -ki (-kə)*. See **table at currency**. [Bulgarian < *sto*, hundred < Old Church Slavonic *stŭto*. See **dek'm**.]

**Stough-ton** (stɔt'n) *n.* A town of E MA NW of Brockton. Pop. 26,777.

**stound** (stound) *n.* *Archaic.* A short time; a while. [ME < OE *stund*. See **stā-**.]

**stoup** also **stoop** (stɔʊp) *n.* 1. *Eccles.* A basin or font for holy water at the entrance of a church. 2. A drinking vessel, such as a cup or tankard. 3. *Scots.* A bucket or pail. [ME *stoup*, bucket, jar < ON *stauþ*, cup.]

**Stour** (stɔr, stɔr, stɔr) *n.* A river, c. 64 km (40 mi), of SE England emptying into the North Sea in two channels.

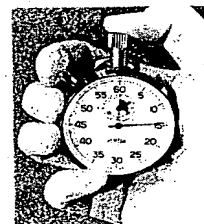
**stout** (staut) *adj.* **stout-er, stout-est**. 1. Bold, brave, or determined; firm and resolute. 2. Strong in body; sturdy. 3. Strong in structure or substance; solid or substantial. 4. Bulky in figure; thickset or corpulent. See **Syns at fat**.

5. Powerful; forceful. 6. Stubborn or uncompromising. — *n.* 1.a. A thicker or corpulent person. b. A garment size for a large or heavy figure. 2. A strong, very dark beer or ale. [ME < OFr. *estout*, of Gmc. orig. See **stel-**.] — *stout'ish adj.* — *stout'ly adv.* — *stout'ness n.*

1339

stopcock

stout



stopwatch



stork  
Yellow-billed stork  
*Ibis ibis*

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ā pay	ou out
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ē pet	ū cut
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ī pit	th thin
ī pie	th this
īr pier	hw which
ō pot	zh vision
ō toe	a about
ō paw	item

Stress marks:  
' (primary);  
' (secondary), as in  
dictionary (dɪk'shə-nər'ɪ)